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| Re: Application No.: 10/042,030 Attorney Docket No: AUS920010686US1 | |
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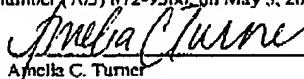
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Brown et al.**Serial No.: **10/042,030**Filed: **January 8, 2002**For: **Method, Apparatus, and Program
for Enhancing the Visibility of
Documents****35525**PATENT TRADEMARK OFFICE
CUSTOMER NUMBER§ Group Art Unit: **2162**
§
§ Examiner: **Pham, Hung Q.**
§
§ Attorney Docket No.: **AUS920010686US1**
§Certificate of Transmission Under 37 C.F.R. § 1.8(a)

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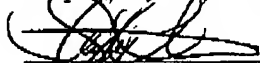
By:


Amelia C. TurnerTRANSMITTAL DOCUMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Sir:
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- Appeal Brief (37 C.F.R. 41.37).

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Respectfully submitted,

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Docket No. AUS920010686US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 03 2005In re application of: **Brown et al.**Serial No. **10/042,030**Filed: **January 8, 2002**For: **Method, Apparatus, and
Program for Enhancing the Visibility
of Documents**§
§ **Group Art Unit: 2162**
§
§ **Examiner: Pham, Hung Q.**
§
§
§**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

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| <p><u>Certificate of Transmission Under 37 C.F.R. § 1.8(a)</u></p> <p>I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on <u>May 3, 2005</u>.</p> <p>By: <u><i>Arabella C. Turner</i></u> Arabella C. Turner</p> |
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APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on March 4, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

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(Appeal Brief Page 1 of 18)
Brown et al. - 10/042,030

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-5, 11-17, and 22-25

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 6-10 and 18-21
2. Claims withdrawn from consideration but not canceled: N/A
3. Claims pending: 1-5, 11-17, and 22-25
4. Claims allowed: None
5. Claims rejected: 1-5, 11-17, and 22-25
6. Claims objected to: None

C. CLAIMS ON APPEAL

The claims on appeal are: 1-5, 11-17 and 22-25

STATUS OF AMENDMENTS

There are no amendments after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER***Independent claims 1, 14, and 25:***

The presently claimed invention provides a method, computer program product, and apparatus for clarifying a document. The present invention retrieves a document including a document component having an attribute that is explicitly specified in the document. See specification, Figure 5A; page 15, line 13, to page 16, line 3. The present invention displays the document and loads a set of user preferences. See specification, Figures 4D and 6; page 12, line 31, to page 13, line 12; page 15, lines 9-15. The present invention modifies the attribute to clarify display of the document based on the set of user preferences in response to activation of a clarification control. See specification, Figures 4A-4C and 5B-5C; page 10, line 24, to page 13, line 12; page 16, lines 19-22; page 18, lines 18-23.

The means recited in independent claim 14, as well as dependent claims 15-17, 22, and 23, may be data processing hardware within server 200, client 300, and combinations thereof, as described in the specification at page 7, line 7, to page 11, line 3, and page 15, lines 16-30, operating under control of software performing with the functionality described in the specification at page 17, line 22, to page 19, line 4, or equivalent.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection on appeal are as follows:

- I. Claims 1-5, 11-17, 22, 23, and 25 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over alleged admissions in view of Internet Explorer, version 5, released in 1998 (hereinafter "IE5").
- II. Claim 24 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over a conventional computer system in view of IE5.

ARGUMENT

I. 35 U.S.C. § 103, Alleged Obviousness of claims 1-5, 11-17, 22, 23, and 25

The Final Office Action rejects claims 1-5, 11-17, 22, 23, and 25 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over alleged admissions in view of Internet Explorer, version 5, released in 1998 (hereinafter "IE5"). This rejection is respectfully traversed.

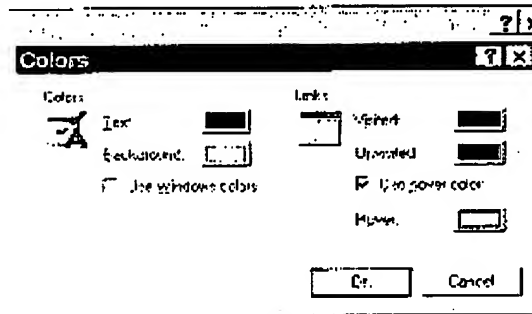
The admitted prior art in the Description of the Related Art section of the specification merely summarizes the state of Web documents and Web browsers, including IE5. That is, documents may have attributes set within the documents that cause components of the document to be difficult to read or see. Also, Web browsers, including IE5, may have preferences that a user may set to customize document viewing; however, these preferences are applied to all documents displayed in the browser. Thus, Appellants concede that Web pages that include background images, background colors, and text colors existed prior to the present invention. Appellants do not concede, however, that recognition of the problem associated with background images, background colors, and text colors existed in the prior art or, if so, that the problem was solved in a manner equivalent to the presently claimed invention. More particularly, no method, apparatus, or computer program product in the prior art, admitted or otherwise, clarifies a document based on a set of loaded user preferences responsive to selection of a clarification control.

Similarly, IE5 appears to include options to configure default settings for ignoring colors, font styles, and font sizes specified on Web pages. As illustrated in the Office Action, IE5 also appears to include options to configure default settings for text color, background colors, and link colors. However, this feature is a graphical user interface for allowing a user to set preferences for the Web browser. When the user is finished making changes to the preferences and selects the "OK" button, the preferences are set and these settings are always applied to Web pages when IE5 displays the Web pages.

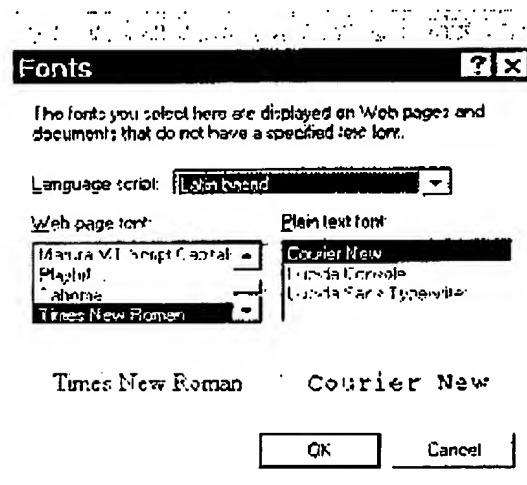
In contradistinction, the present invention provides a method, apparatus, and computer program product for clarifying a document in response to activation of a clarification control. A document is retrieved and presented and, in response to activation of a clarification control, the presently claimed invention modifies an attribute of a component of the Web page to clarify

display of the document based on a set of user preferences, rather than applying preferences for all documents.

Neither the allegedly admitted prior art nor IE 5.0 teaches or suggests modifying an attribute of a component of a document to clarify display of the document based on a set of user preferences to form a clarified document in response to activation of a clarification control, as recited in claim 1. The Final Office Action alleges that Appellants' allegedly admitted prior art and IE5 teach this feature. More specifically, the Final Office Action alleges that IE5 teaches a set of user preferences in which a text and background color may be set by a user. A screenshot of the user interface in IE5 for setting text and background colors is as follows:



The Final Office Action also alleges that IE5 teaches a set of user preferences for setting fonts. A screenshot of the user interface in IE5 for setting text and background colors is as follows:



However, these settings apply only to documents for which a background color, text color, and font attributes are not explicitly set in the document. Furthermore, this setting is always applied to documents that do not set the text and background colors, rather than applying the user

preferences **responsive to activation of a clarification control**, as recited in claim 1, for example. Thus, IE5 simply does not teach the feature and the Office Action fails to establish a *prima facie* case of obviousness.

Appellants' allegedly admitted prior art and IE5, taken alone or in combination, fail to teach or suggest each and every claim limitation. Therefore, Appellants' allegedly admitted prior art and IE5 do not render at least claim 1 obvious. Independent claims 14 and 25 recite subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 2-5, 11-13, 15-17, 22, and 23 depend from claims 1 and 14, the same distinctions between Appellants' allegedly admitted prior art and IE5 and the invention recited in claims 1 and 14 apply for these claims. Additionally, claims 2-5, 11-13, 15-17, 22, and 23 recite other additional combinations of features not suggested by the reference.

Therefore, Applicants respectfully request that the rejection of claim 24 under 35 U.S.C. § 103 not be sustained.

IA. 35 U.S.C. § 103, Alleged Obviousness of claims 3 and 15

With respect to claims 3 and 15, the Final Office Action alleges that IE5 teaches modifying the attribute to clarify the document including removing a background image from the document. However, the Final Office Action does not address the feature other than to conclude that it is disclosed by IE5. The Final Office Action shows the user interface for selecting preferences for text and background colors and link colors when those attributes are not specified in a document. However, the Final Office Action proffers no evidence that modifying the attribute to clarify the document including removing a background image would have been obvious to a person of ordinary skill in the art. Therefore, the Final Office Action does not establish a *prima facie* case of obviousness for claims 3 and 15. Accordingly, Appellants respectfully request that the rejection of claims 3 and 15 not be sustained.

IB. 35 U.S.C. § 103, Alleged Obviousness of claims 11 and 22

With respect to claims 11 and 22, the Final Office Action alleges that Applicants' allegedly admitted prior art and IE 5.0 disclose a step of authenticating a user, wherein the step of modifying the attribute is performed in response to the user being authenticated. While the

cited portion of IE 5.0 does teach configuring settings for user authentication, there is no teaching of **modifying** an attribute of a component of a document to form a clarified document **in response to** the user authentication. Therefore, Appellants' allegedly admitted prior art and IE5, taken individually or in combination, fail to teach or suggest each and every limitation of claims 11 and 22.

II. 35 U.S.C. § 103, Alleged Obviousness of claim 24

The Final Office Action rejects claim 24 under 35 U.S.C. § 103(a) as being allegedly unpatentable over a conventional computer system in view of IE5. This rejection is respectfully traversed.

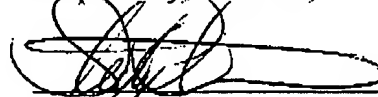
With respect to claim 24, the Office Action argues that the Tools menu of IE5 is a selectable clarification tool that causes the controller to modify attributes of the document to form a modified document when selected. Applicants respectfully disagree. Selection of the Tools → Internet Options → Accessibility activates a configuration dialog that allows a user to change preferences. However, the settings are always applied to documents at the time the documents are displayed. In other words, when a document is retrieved for display, the current settings, whatever they may be, are applied to the retrieved document. Application of preferences or settings is not selectable in IE5. Therefore, a conventional computer system and IE5, taken alone or in combination, fail to teach or suggest each and every limitation of claim 24. For the above reasons, the applied references do not render claim 24 obvious.

Therefore, Appellants respectfully request that the rejection of claim 24 under 35 U.S.C. § 103 not be sustained.

III. Conclusion

In view of the above, Appellants respectfully submit that claims 1-5, 11-17, and 22-25 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.

Respectfully submitted,



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Agent for Appellants

CLAIMS APPENDIX

The text of the claims involved in the appeal reads:

1. A method for clarifying a document, comprising:
retrieving a document including a document component having an attribute, wherein the attribute is explicitly specified in the document;
displaying the document;
loading a set of user preferences; and
in response to activation of a clarification control, modifying the attribute to clarify display of the document based on the set of user preferences to form a clarified document.
2. The method of claim 1, further comprising displaying the clarified document.
3. The method of claim 1, wherein the document component comprises a background image and the step of modifying the attribute comprises removing the background image from the document.
4. The method of claim 1, wherein the document component comprises a background color and the step of modifying the attribute comprises changing the background color.
5. The method of claim 1, wherein the document component comprises text and the step of modifying the attribute comprises changing a color of the text in the document.

11. The method of claim 1, further comprising:
 authenticating a user, wherein the step of modifying the attribute comprises modifying the attribute in response to the user being authenticated.
12. The method of claim 1, wherein the step of modifying the attribute comprises creating an intermediate modified document.
13. The method of claim 12, further comprising displaying the intermediate modified document.
14. An apparatus for clarifying a document, comprising:
 retrieval means for retrieving a document including a document component having an attribute, wherein the attribute is explicitly specified in the document;
 display means for displaying the document;
 loading means for loading a set of user preferences; and
 modification means for modifying, in response to activation of a clarification control, the attribute to clarify display of the document based on the set of user preferences to form a clarified document.
15. The apparatus of claim 14, wherein the document component comprises a background image and the modification means comprises means for removing the background image from the document.

16. The apparatus of claim 14, wherein the document component comprises a background color and the modification means comprises means for changing the background color.

17. The apparatus of claim 14, wherein the document component comprises text and modification means comprises means for changing a color of the text in the document.

22. The apparatus of claim 14, further comprising:
authentication means for authenticating a user, wherein the step of modifying the attribute comprises modifying the attribute in response to the user being authenticated.

23. The apparatus of claim 14, wherein the modification means comprises means for creating an intermediate modified document.

24. A document viewing system comprising:
a document viewer;
a selectable clarification tool; and
a controller, coupled to the document viewer and the selectable clarification tool, wherein the controller retrieves a document; wherein the clarification tool, when selected, causes the controller to modify attributes of the document to form a modified document, wherein display of text in the modified document is enhanced relative to the document; and wherein the document viewer causes the controller to display the modified document.

25. A computer program product, in a computer readable medium, for clarifying a document, comprising:

instructions for retrieving a document including a document component having an attribute, wherein the attribute is explicitly specified in the document;

display means for displaying the document;

loading means for loading a set of user preferences; and

instructions for modifying, in response to activation of a clarification control, the attribute to clarify display of the document based on the set of user preferences.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.